

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID R. CULP, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
LA SALLE UNIVERSITY, et al.	:	NO. 08-1500

MEMORANDUM RE: IN CAMERA REVIEW OF PRIVILEGED DOCUMENTS

Following delivery of the privileged and redacted documents to chambers, the Court has reviewed them and finds that, as a general matter, the documents asserted as privileged are indeed privileged, and that the redactions are proper.

The Court notes that Document No. LS 0002 is not privileged and should be produced. The Court also notes that in a number of documents, a portion of the document is privileged, but other portions are not. For example, most of the documents are e-mail "strings," and many of them forward non-privileged e-mails to counsel with comments or other communications.

The communications contained in the forwarding of e-mails to counsel are privileged, and the redacted documents, starting with LS 1608, are examples of non-privileged documents being forwarded to counsel, sometimes with comments, and these redactions are proper. However, many of the other documents are similarly e-mail strings where a portion of the e-mail string is privileged, but a portion would appear not to be privileged. One example of this would be Document No. LS 1365, which consists of two e-mails. The first e-mail, dated January 24, 2008 at 4:58 a.m., is from Plaintiff David Culp to Paul Brazina and other people. This document would not be privileged. However, upon receipt of this, there is a privileged communication on January 25, 2008 at 2:04 p.m. from David Jones, one of the recipients of the January 24, 2008 e-

mail, to Mr. Ellis and others, proposing a response to the David Culp e-mail of January 24, 2008.

The Court assumes that, although this document itself has not been produced, the Defendants have produced the e-mail from David Culp to Brazina, et al. Counsel for Defendants shall provide written clarification to the Court and Plaintiffs promptly that the Court's assumption as to Document No. LS 1365 and similar documents is correct, or otherwise.

Counsel for Defendants shall arrange to pick up the documents from chambers.

BY THE COURT:

s/Michael M. Baylson

Date: 12/29/08

Michael M. Baylson, U.S.D.J.

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